


BAKER BOTTS LLP

2873

OIP E JC176  
OCT 07 2002  
PATENT & TRADEMARK NEWS

Please type a plus sign (+) inside this box → 

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/912,791
Filing Date	July 25, 2002
First Named Inventor	WONG
Group Art Unit	UNASSIGNED
Examiner Name	UNASSIGNED
Attorney Docket Number	RE34509 067735.0106

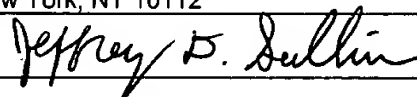
Total Number of Pages in This Submission 6

### ENCLOSURES (check all that apply)

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment / Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/ Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application)<br><input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>FORMAL REQUEST FOR INTERFERENCE |
|--|---|--|

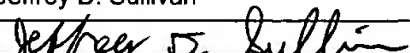
Remarks ☐

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

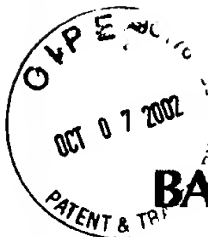
Firm or Individual name	BakerBotts LLP 30 Rockefeller Plaza New York, NY 10112
Signature	 Att Name: Jeffrey D. Sullivan PTO Reg: 43,170
Date	September 30, 2002

### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: September 30, 2002

Typed or printed name	Jeffrey D. Sullivan
Signature	 Date
	September 30, 2002

RECEIVED  
OCT 10 2002  
TECHNOLOGY CENTER 880C

**BAKER BOTTS LLP**

# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

**TOTAL AMOUNT OF PAYMENT (\$)** 0**Complete if Known**

Application Number	09/912,791
Filing Date	July 25, 2002
First Named Inventor	WONG
Examiner Name	UNASSIGNED
Group Art Unit	UNASSIGNED
Attorney Docket No.	RE34509 067735.0106

**METHOD OF PAYMENT**

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number: 02-4377  
Deposit Account Name: Baker Botts LLP

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other

**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid
740	370	Utility filing fee	
330	165	Design filing fee	
510	255	Plant filing fee	
740	370	Reissue filing fee	
160	80	Provisional filing fee	

**SUBTOTAL (1) (\$)** 0**2. EXTRA CLAIM FEES**

Total Claims: 20 \*\* = 0 X Fee from below = 0  
Independent Claims: 3 \*\* = 0 X Fee Paid = 0  
Multiple Dependent: =

Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description
18	9	Claims in excess of 20
84	42	Independent claims in excess of 3
280	140	Multiple dependent claim, if not paid
84	42	** Reissue independent claims over original patent
18	9	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2) (\$)** 0

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid
130	65	Surcharge - late filing fee or oath	
50	25	Surcharge - late provisional filing fee or cover sheet	
130	130	Non-English specification	
2,520	2,520	For filing a request for <i>ex parte</i> reexamination	
920*	920*	Requesting publication of SIR prior to Examiner action	
1,840*	1,840*	Requesting publication of SIR after Examiner action	
110	55	Extension for reply within first month	
400	200	Extension for reply within second month	
920	460	Extension for reply within third month	
1,440	720	Extension for reply within fourth month	
1,960	980	Extension for reply within fifth month	
320	160	Notice of Appeal	
320	160	Filing a brief in support of an appeal	
280	140	Request for oral hearing	
1,510	1,510	Petition to institute a public use proceeding	
110	55	Petition to revive - unavoidable	
1,280	640	Petition to revive - unintentional	
1,280	640	Utility issue fee (or reissue)	
460	230	Design issue fee	
620	310	Plant issue fee	
130	130	Petitions to the Commissioner	
50	50	Processing fee under 37 CFR 1.17(q)	
180	180	Submission of Information Disclosure Stmt	
40	40	Recording each patent assignment per property (times number of properties)	
740	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
740	370	For each additional invention to be examined (37 CFR § 1.129(b))	
740	370	Request for Continued Examination (RCE)	
900	900	Request for expedited examination of a design application	

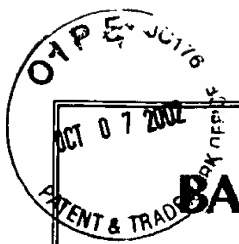
Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) (\$)** 0**SUBMITTED BY**

Name (Print/Type)	Jeffrey D. Sullivan	Registration No. (Attorney/Agent)	43,170	Telephone	(212) 408-2589
Signature	<i>Jeffrey D. Sullivan</i>	Date	September 30, 2002		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.



**BAKER BOTTS** LLP

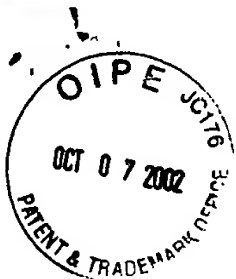
Attorney Docket Number: RE34509 067735.0106

Title:

ASSEMBLING STRUCTURE FOR ASSEMBLING A FIT-ON SPECTACLE FRAME  
WITH AN ORIGINAL SPECTACLE FRAME

RECEIVED  
OCT 10 2002  
TECHNOLOGY CENTER 2800

Use Space Below for Additional Information:



RE34509 067735.0106  
PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Wong  
Serial No: 09/912,791 Group Art Unit: unassigned  
Filed: July 25, 2002 Examiner: unassigned  
For: ASSEMBLING STRUCTURE FOR ASSEMBLING A FIT-ON SPECTACLE  
FRAME WITH AN ORIGINAL SPECTACLE FRAME

**FORMAL REQUEST FOR INTERFERENCE**

I hereby certify that this paper is being deposited with the United States  
Postal Service in an envelope with addressed to: BOX REISSUE  
Assistant Commissioner for Patents, Washington, D.C. 20231, on:

September 30, 2002  
Date of Deposit

James J. Maune  
Attorney Name

[Signature]  
Signature

26,946  
PTO Reg. No.

September 30, 2002  
Date of Signature

RECEIVED  
OCT 10 2002  
TECHNOLOGY CENTER 280C

**BOX REISSUE**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Pursuant to 37 C.F.R. § 1.607, and to the Reissue Patent Application and Preliminary Amendment submitted July 25, 2001 by Applicant in the above identified Reissue Application, the Commissioner is hereby respectfully formally requested to declare that an Interference should be initiated between the above application and unexpired U.S. Patent 6,092,896 (the "896 Patent"). Applicant believes that the Reissue Application and Preliminary Amendment herein, which recite the copying by Applicant in the Preliminary Amendment of all issued claims of the '896 Patent, have already clearly established the grounds for declaring an Interference, but

– as Applicant is currently involved in patent litigation with the assignees of the '896 Patent, in which litigation priority to the alleged inventions of the '896 Patent may be an issue – Applicant submits this formal request in order to make further explicit the grounds for Interference herein.

Applicant proposed that the Interference include one Count as follows:

An eyeglass device comprising:

a first frame including two retaining mechanisms for supporting a pair of lenses, and defining a frontal plane,

a bridge connecting the two retaining mechanisms and holding the two retaining mechanisms together, and

a magnetic member at the bridge for magnetically coupling to another magnetic member at the bridge of a second frame;

wherein:

the bridge of the first frame includes a cavity to receive a protrusion at the bridge of the second frame so as to further secure the attachment of the two frames when coupled; and

when the two frames are secured together, due to the locations of the magnetic members, one of the frames is restricted from moving downwards relative to the other frame.

The proposed Count corresponds exactly to Claim 1 of U.S. Patent 6,092,896 and corresponds substantially to claims 2 to 22 of that patent.

The proposed Count corresponds exactly to Claim 3 of the Application and corresponds substantially to claims 1, 2 and 4 to 21 of the Application.

Applicant copied Claims 3 to 21 from U.S. Patent 6,092,896 in a preliminary Amendment filed concurrently with this Reissue Application. These claims are identical to Claims 1-6, 8, 9, 11 and 13 to 22 of U.S. Patent 6,092,896. In the preliminary Amendment Applicant applied the claim language to the Specification of this Application.

The requirements of 35 U.S.C. § 135 (b) are met since the claims copied from U.S. Patent 6,092,896 were presented July 25, 2001, within one year of the issue date of U.S. Patent 6,092,896 on July 25, 2000.

Applicant expects to present and document for the Interference sufficient corroborative evidence as to the priority of his invention, including but not limited to a Declaration under 37 C.F.R. § 1.608 (b).

Accordingly, the prompt declaration of an Interference is respectfully submitted to be in order, and is earnestly requested.

September 30, 2001  
Dated

Respectfully submitted,  
BAKER & BOTTS, L.L.P.  
*Attorneys for Applicant*

By: 

James J. Maune  
Registration No. 26,946  
Attorney for Applicant

Jeffrey D. Sullivan  
Registration No. 43,170  
Attorney for Applicant

30 Rockefeller Plaza, 44th Floor  
New York, New York 10112  
Telephone: (212) 408-2500  
Facsimile: (212) 408-2501

NY02:408644